

AO 91 (Rev. 11/11) Criminal Complaint

**Sealed**Public and unofficial staff access  
to this instrument are  
prohibited by court order**UNITED STATES DISTRICT COURT**

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED*August 28, 2023*

Nathan Ochsner, Clerk of Court

United States of America  
v.

Case No.

AVERY FRANK BASS

**4:23-mj-1734***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of on or about August 14, 2023 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 18, United States Code,  
Sections 922 (g)(1) & 924 (e)Unlawful Possession of a Firearm by a convicted Felon after Three Prior  
Convictions

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Aaron Petty, ATF TFO

*Printed name and title*

Sworn to before me by telephone

Date: August 28, 2023City and state: Houston, Texas*Judge's signature*

Hon. Andrew M. Edison, U.S. Magistrate Judge

*Printed name and title*

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Aaron Petty being duly sworn, depose and state that:

**INTRODUCTION AND BACKGROUND**

1. I am a detective with the Houston Police Department (HPD) and a Task Force Officer (TFO) of the Bureau of Alcohol, Tobacco, and Firearms (ATF). I have been a Houston Police Officer for 10 years and an ATF TFO for 1 year. I am currently assigned as a TFO to the ATF Gang Task Force with Title 21 and Title 18 federal deputation. In this capacity, I have participated in investigations of various federal criminal violations including violent crimes, to include robberies, aggravated assaults, narcotics trafficking, and firearms possession. During my time as a TFO, I have conducted or participated in physical surveillances, Title III electronic surveillances, the execution of search warrants, debriefings of informants, and attended specialized and advanced trainings related to both violent and complex crimes, firearms possession, as well as narcotics trafficking.

2. Alongside my current assignment as an ATF TFO, I am assigned to HPD's Gang Division High Intensity Drug Trafficking Area (HIDTA) squad where I investigate violent transnational criminal organizations who use drug trafficking and weapons smuggling to further the organization's objectives. I have received specialized training from HIDTA relating to complex investigations of criminal street gangs and I have received training from HPD regarding narcotics trafficking, violent gangs, and advanced investigative techniques. During my career, I have been involved in numerous cases involving persons possessing firearms in furtherance of crimes of violence or using and carrying firearms during and in relation to crimes of violence.

3. The facts in this affidavit come from my personal observations, training, and experience, and information obtained from other law enforcement officers and witnesses. This affidavit is

intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

**PROBABLE CAUSE**

4. Based on the facts as set forth in this affidavit, there is probable cause to believe that on or about August 14, 2023, Avery BASS, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, and the firearm was manufactured and sold in interstate commerce, in violation of 18 U.S.C. § 922(g), and did so after having been convicted of two previous violent felonies and one serious drug offense, all of which occurred on different occasions, in violation of 18 U.S.C. § 924(e).

5. I reviewed Houston Police Department (HPD) Report Case No. 1159853-23, which contains reports and supplements contributed by various HPD officers and investigators, all certified peace officers reputedly employed by HPD.

6. At approximately 1715 hours on August 14, 2023, HPD Southwest Crime Suppression Team and Gang Division officers were executing arrest warrants for BASS for Aggravated Robbery and Felon in Possession at 12341 W. Village Drive, Houston, Texas. When HPD officers arrived at the location, they observed BASS walking toward a Silver Dodge Charger. BASS entered the vehicle and sat in the driver's seat and a female sat in the passenger seat.

7. HPD Officers maneuvered their vehicles and surrounded the Dodge Charger to prevent BASS from fleeing. Officers approached the vehicle to apprehend BASS. When they looked inside the vehicle, they saw in plain view on the driver's side floorboard two handguns that were later determined to be a loaded American Tactical AR pistol and a loaded 9mm Glock 17.

8. HPD officers took BASS into custody and advised him of his *Miranda* rights which he acknowledged. In a recorded interview, BASS waived these rights and agreed to speak to officers at the scene. BASS admitted to being the owner of the two handguns and stated he purchased the

guns in the Cuney Homes and paid \$600 for the AR-15 handgun and \$500 for the Glock handgun. He stated when he purchased the guns that he tried to test fire them, but the seller provided him with the wrong bullets.

9. I reviewed a copy of BASS' Computerized Criminal History from NCIC which documents that he was convicted on November 16, 2021, in the 209<sup>th</sup> District Court in Houston, Texas, of two second degree felonies, (1) Robbery – Bodily Injury and (2) Robbery by Threats, which were committed on different occasions, both of which were punishable by imprisonment for a term exceeding one year under Texas State law, and both of which had an element of the use, attempted use, or threatened use of physical force against the person of another.


10. BASS was also convicted on September 16, 2009, in the 230<sup>th</sup> District Court in Houston, Texas, of Possession with Intent to Deliver a Controlled Substance, 1-4 grams, which is an offense under Texas State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 802)), for which a maximum term of imprisonment of ten years or more is prescribed by law.

11. I spoke with ATF Special Agent Deon Washington who is certified in the identification and examination of firearms. Special Agent Washington stated to me that following his examination of the firearms he determined that the American Tactical AR handgun and the Glock 17 9mm handgun, which were recovered during BASS' arrest on August 14, 2023, were not manufactured in the State of Texas, thereby affecting interstate commerce.

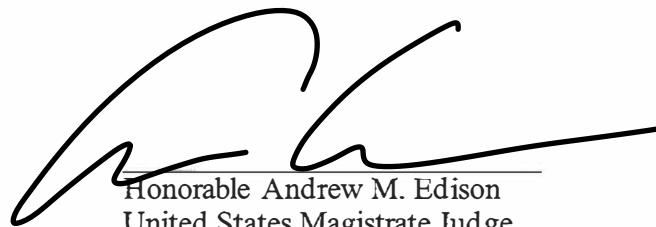
### **CONCLUSION**

12. Based upon my training, experience, and my participation in this investigation, I respectfully submit that there is probable cause to believe that on or about August 14, 2023, Avery BASS knowingly possessed a firearm in violation of 18 U.S.C. § 922(g) – unlawful possession of a firearm in or affecting interstate commerce, knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, and in doing so was in violation of 18 U.S.C. § 924(e) for having three prior convictions, two for violent felonies and one serious drug offense, all committed on different occasions.

I hereby declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

  
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Aaron Petty  
Task Force Officer  
Bureau of Alcohol, Tobacco, and Firearms

Sworn in accordance with the requirement of Fed. R. Crim. P. 4.1. by telephone on this 28th day of August 2023, in Houston, Texas and I find probable cause.

  
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Honorable Andrew M. Edison  
United States Magistrate Judge  
Southern District of Texas